

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-CV-329-GKF-PJC
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

ORDER

THIS MATTER comes before the Court on the Motion for Protective Order Regarding Certain Financial Documents filed by Defendants George’s Inc. and George’s Farms, Inc. (collectively, “George’s”) [Dkt. No. 2046]. For the reasons set forth below, the Motion is **DENIED**.

During the course of this case, Plaintiff State of Oklahoma (“State”) requested certain financial information from the Defendants to be used -- at least in part -- by an expert witness testifying on the Defendants’ ability to pay an award of monetary damages. State requested a wide range of financial information, including audited financial statements, profit-loss statements, cash flow information and balance sheets. George’s objected to producing much of this information; however, after a meet and confer with counsel for the State, George’s ultimately agreed to produce -- and did produce -- balance sheets for the years 2004-08.

State continued to press for additional financial information, and the issue finally came before the Court on State’s Motions to Compel [Dkt. Nos. 1866, 1867, 1868, 1869]

and Defendants' Motions for Protective Order [Dkt. Nos. 1881, 1882].¹ Following a hearing on March 2, 2009, the Court granted in part and denied in part all of the various motions concerning financial data. The Court ordered that each Defendant produce the balance sheet from its last audited financial statements and its most current balance sheet. Having voluntarily produced more information than the Court has directed, George's now asks for an Order directing State to return all data that George's produced beyond that which the Court ultimately ordered ("the additional data"). George's also requests a Protective Order prohibiting State's expert from using the additional data as a basis for any opinions expressed in his April 14, 2009, Report.

In response to discovery requests State's request for financial information, George's voluntarily produced certain responsive documents. George's and other Defendants resisted State's demand for even more information. Ultimately, the Court ruled that Defendants were only required to provide documentation establishing their net worth – a balance sheet from the Defendant's last audited financial statement and the Defendant's most recent balance sheet. The information that George's produced was responsive to the State's document requests and was not privileged. Furthermore, a Confidentiality Order has been in place in this case since Nov. 21, 2006. [Dkt. No. 985]. The fact that George's produced more information than the Court ultimately ruled was required, does not entitle George's to "un-ring the bell" and demand return of the documents. Nor has George's provided the Court with any authority supporting


¹ George's Motion for Protective Order was docketed as entry no. 1887 and was filed as part of George's Response to State's Motion to Compel [Dkt. No. 1879].

such a position.

Accordingly, the Motion for Protective Order [Dkt. No. 2046] is **DENIED**.

Likewise, the request for a Protective Order barring use of the documents in the expert report is also **DENIED**. Whether the April 14, 2009, report is untimely is a matter not properly before the Court on these motions.

DATED this 8th day of June 2009.



Paul J. Cleary
United States Magistrate Judge